

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

KEVIN RAYMOND SULLIVANT,

Plaintiff,

vs.

SPECTRUM MEDICAL SERVICES,
NURSE PRACTITIONER JUDY
MUNSELL, and RAVALLI
COUNTY,

Defendants.

Cause No. CV 11-00119-M-JCL

ORDER

Pending is Plaintiff Kevin Sullivant's Motion for a Restraining Order against Spectrum, Inc. due to Conflict of Interest. Sullivant is seeking an order to transport him from the Great Falls Regional Prison back to Montana State Prison, alternatively an order requiring that he receive medical treatment from an outside doctor not affiliated with Spectrum, Inc., and an order restricting his placement in any institution or prison that has medical treatment provided by Spectrum or Benifis Medical Services.

"A federal court may issue an injunction if it has personal jurisdiction over the parties and subject matter jurisdiction over the claim; it may not attempt to

determine the rights of persons not before the court.” *Zepeda v. INS*, 753 F.2d 719, 727 (9th Cir. 1985); *see also* Fed.R.Civ.P. 65(d) (providing that an injunction binds the parties; the parties' officers, agents, servants, employees, attorneys, and other persons who are in active concert or participation with these people).

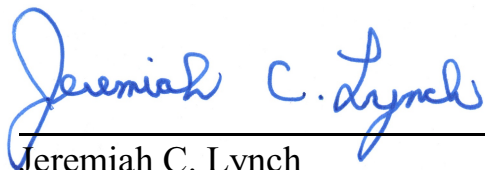
Sullivant is in the custody of the Montana Department of Corrections. Therefore, where he is incarcerated and who provides his medical treatment would be determined by the Montana Department of Corrections. The Department of Corrections is not a party to this case. The motion must be denied.

Based on the foregoing, the Court issues the following:

ORDER

1. Sullivant’s Motion for a Restraining Order (Dkt. 136) is denied.
2. At all times during the pendency of this action, Sullivant SHALL IMMEDIATELY ADVISE the Court and opposing counsel of any change of address and its effective date. Failure to file a NOTICE OF CHANGE OF ADDRESS may result in the dismissal of the action for failure to prosecute pursuant to Fed.R.Civ.P. 41(b).

DATED this 29th day of May, 2013.



Jeremiah C. Lynch
United States Magistrate Judge